IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2719 OF 2004

Mrs.Mubark Bee Sultan Ahmed ...Petitioner.
Versus
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents.

....

None for the Petitioner.

....

CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JULY 05, 2006.**

P.C.:

. The petitioner approached this Court against the order dated 23rd November, 2000 whereby the Corporation has came to a conclusion that the petitioner alongwith other occupants therein were claiming to be the occupants of the premises without authority of law. There is no dispute that Pitch No.D/MKT/43 was allowed to be occupied by Shri.Madhavan Ramdee. Shri.Madhavan Ramdee, it appears, was in default of licence fees and had transferred the premises without permission of the Respondent Corporation in favour of one Sultan Ahmed who expired leaving behind the petitioner. The petitioner claims to be the sole

heir of Sultan Ahmed. The learned Authority came to the conclusion that for the purposes of regularisation the transferee must be in physical possession of the premises. In the instant case, it was found that the petitioner was not in possession of the premises and in these circumstances, the authority recorded a finding that the petitioner was not entitled to be inducted into the premises. Apart from that certain other findings have been recorded which are not relevant for this Court to decide the controversy. Considering the finding of fact, we are not inclined to interfere in exercise of our extra ordinary jurisdiction. Petition stands disposed of.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]